



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE AGENDA

Location: Police Department Auditorium
870 Santa Barbara Drive
Date/Time: Monday, October 1, 2012 - 7:00 p.m.

Committee Members:

| | | |
|----------------------|----------------------|-----------------|
| Debbie Steven, Chair | Nancy Gardner, Mayor | Kevin Nolen |
| Kimberly Jameson | Merritt Van Sant | Charles McKenna |
| Nick Roussos | Joan Penfil | Kevin Kelly |
| Laura Curran | Vince J. LePore III | Michael Alt |
| Sandra Haskell | Bruce Asper | |

Staff Members:

Patrick Alford, Planning Manager
Rosalinh Ung, Associate Planner

1) **CALL MEETING TO ORDER**

2) **ROLL CALL**

3) **PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

4) **CURRENT BUSINESS**

- A. Draft comments on the Uptown Newport Draft Environmental Impact Report (attachment)
- B. Review of upcoming environmental impact reports

5) **COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

6) **ADJOURNMENT**

The agenda, attachments, and minutes are available on the City's website <http://www.newportbeachca.gov>. Once there, click on Agendas and Minutes then scroll to and click on Environmental Quality Affairs. These items are also available in the City of Newport Beach Community Development Department, Planning Division, 3300 Newport Boulevard, Building C, 2nd Floor.

This Committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Committee's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

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Memorandum

To: Patrick J. Alford, Planning Manager
From: Debra Stevens, EQAC Chair
Date: October 1, 2012
Re: Comments on the Uptown Newport Draft EIR

The Environmental Quality Citizens Advisory Committee (EQAC) is pleased to have this opportunity to comment on the draft Environmental Impact Report (SCH No. 2010051094) for the proposed Uptown Newport project. It is our hope that these comments will lead to the best possible project for the City of Newport Beach, the neighbors and the applicant. Our comments are summarized below and follow in the order of appearance in the DEIR as far as possible.

GENERAL COMMENTS

There are a number of references used in the Draft EIR that are not defined or included in Chapter 13 (Bibliography).

CHAPTER 3 (PROJECT DESCRIPTION)

Page 3-2: The terms "additive," "replacement," and "density bonus" in Table 3-1 should be defined and explained how they apply to the project.

CHAPTER 5.2 (AIR QUALITY)

There are a number of references used in the air quality section; however, none of them are defined or included in Chapter 13 - Bibliography. Examples include: WRCC 2012, SCAQMD 2005; Caltrans 1997, CARB 2011, BAAQMD 2011, and SCAQMD 2012.

Although included in the environmental analysis, the existing facility emissions should also be included as part of the environmental setting discussion.

The reference to SCAQMD, 2005 appears to be an old reference; the source needs to be identified in the Final EIR to verify the information.

Page 5.2-2, last paragraph. The statement is made that "Adverse effects on human health are not caused directly by VOCs . . ." This statement is ~~not true~~ misleading as some VOCs are toxic air contaminants. The statement should be ~~revised~~ clarified in the Final EIR.

Page 5.2-7, first paragraph. The section on Air Quality Management Planning should be updated in Final EIR to reflect that the SCAQMD has prepared and published the 2012 AQMP after the publication date of the Draft EIR.

Pages 5.2-13 through 5.2-23. The emission calculations for the proposed project were developed using CALEEMod. Please confirm that this model is based on EMFAC2007 emission factors and does not use the latest instead of the EMFAC2011 emission factors. Further, although the information is provided in the appendix, it is virtually impossible to verify the model input assumptions and output data with the information provided in the impact tables.

Page 5.2-22 and 5.2-23, Tables 5.2-13 and 5.2-14. The units of the numbers in the tables should be provided and the LST significance thresholds should be identified.

Page 5.2-24, CO Hotspot Analysis. It appears that a BAAQMD screening threshold has been used, although hard to verify because the reference is not identified (BAAQMD 2011). Justification for the use of a BAAQMD screening threshold in Newport Beach should be provided.

Page 5.2-24, Impact 5.2-6. It does not appear that diesel particulate matter was included in the HRA summarized in Table 5.2-15.

Page 5.2-25, Table 5.2-15. ~~It appears that~~ Please explain why the ISCST3 model was used to estimate health risks ~~The most recent air quality model for preparation of HRAs is instead of the AERMOD model.~~

Page 5.2-31, Table 5.2-17. The SCAQMD significance thresholds should be more clearly identified in the table.

CHAPTER 5.4 (CULTURAL RESOURCES)

Page 5.4-3. What effort has been made to insure there are no remaining fossils or paleontological artifacts remaining on the site?

Note: Mitigation Measure No. 4-1 and No. 4-2 require that monitors be retained to insure that historic, archaeological, or paleontological resources are protected during ground-disturbing activities. Therefore the comment should be revised as to the adequacy of these mitigation measures.

Page 5.4-6, last paragraph. In the Impact Analysis Phase I ~~In this section~~, it is stated that “no archeological or paleontological resources are known to occur within the site boundaries”. ~~This seems to contradict section 5.4-3 Paleontological Resources which states~~ Please clarify that this conclusion is based on the record searches referenced on Page 5.4-3. The Paleontological Resources section on that page states: “Fossils recovered at nearby sites include large mammals such as sabertoothed cats and mammoths, as well as small mammals, birds, and reptiles.” Therefore, it is reasonable to

conclude that although there is no record of archeological or paleontological resources recovered within the project boundaries, this does not preclude the likelihood that there are yet to be discovered resources.

CHAPTER 5.7 (HAZARDS AND HAZARDOUS MATERIALS)

Page 5.7-15, Thresholds of Significance. Please clarify as to why the CEQA Guidelines thresholds identified in this section were not used to evaluate hazard impacts. Other, more quantitative, thresholds were used, including a risk threshold of 1.0E-06 (see Table 5.7-3), and ERPG-2 toxic endpoints (see page 5.7-25).

Page 5.7-13, page 5.7-18. A number of the conclusions in Table 5.7-3 are incorrect. Vapor intrusion cancer risk identified as "Slab - Maximum," "Garage - 95% UCL," and "Garage - Maximum," range from 1.42E-06 to 8.78E-06, all of which exceed the threshold of 1.0E-06. Therefore, development and occupancy of Phase 1 of the project would expose future residents to substantial hazards from soil vapors originating from soil and groundwater contamination under the Phase 2 portion of the project site. ~~These impacts should be considered significant.~~ The table needs to be corrected in the Final EIR and the threshold sources and applicability clearly cited.

Page 5.7-33, Section 5.7.7 - Mitigation Measures. The mitigation measures for extremely hazardous materials should not be limited to anhydrous ammonia but should also include boron trichloride, chlorine, hydrofluoric acid, and sulfuric acid.

Residents of Phase I should be informed of the presence of extremely hazardous materials in the TowerJazz facility.

I appreciate the level of detail in the description of the ongoing and long-term remediation of the solvent tanks shown in Figure 5.7-1 of the DEIR, however, although I read the entire document and Appendices H and C, I could not get an overall summary sense of how hazardous the risks are that the solvent tank remediation problem presents. Did I miss this somewhere in the DEIR? And if not, can it be included?

Note: Page 5.7-18 provides an the assessment results and conclusions of the carcinogenic risks and noncarcinogenic hazards, which are summarized Table 5.7-3. The conclusion is that all cancer risks and noncarcinogenic hazards identified were below the respective thresholds of acceptable versus unacceptable risks or hazards using CalEPA standards.

CHAPTER 5.10 (NOISE)

What provisions and safe guards are planned for minimizing the sensitive receptors present at the UCI Child Care Development Center (approximately 875 feet southeast of Jamboree Road) are also located east of the project site across Jamboree Road? Please describe plans transportation, fencing, sound buffering plans aimed at minimizing Noise, Fugitive Dust, Construction traffic, Emissions, impacts and other hazards away from this location during Phase 1 & 2 development.

Note: Mitigation Measures Nos. 10-5 through 10-12 provide the noise and vibration control measures that will be applied to the construction phase of the project.

~~This ambitious project is to be in the development and construction phases for a period of at least seven years, from as early as 2013 to as late as 2021 or even beyond. There are over 1200 residences in the 2 Phases of construction, similar to the developments on the Irvine side of Jamboree as you proceed north and over the I-405. The construction related noise implications for people who either work or live in the area are a big consideration, given both the scope in size as well as build out time for the entire project.~~

Note: Section 5.10.6 identifies measures intended to mitigation the construction noise impacts to adjacent residential and office buildings and the level of significance after mitigation is provided in Section 5.10.7. The above comment is more of a consideration of the project and not the EIR. Therefore, it is recommended that it not be included.

The report does a very thorough and analytical job on the technicalities of vibration noises, various types of sound and the City of Newport Beach's Conditions of Approval (the latter on p.5.10-51). Arguably, the approach of the report is too analytical and lacks human concern or empathy, especially for those who live and work in the area. As but one small but important example, one of the most impacted sites nearby is the UCI Child Care Development Center, across the street from the project and less than 300 feet away.

Note: The Draft EIR identifies the UCI Child Care Development Center as a noise- and vibration-sensitive area and analyzes the noise impacts accordingly. The comment should be revised so as to relate to the adequacy of this analysis and conclusion.

If there is a regular theme to this DEIR noise section, it is, by implication, that the whole area is already very noisy, given airplanes flying overhead at approach and take-off level altitudes, heavy traffic on major traffic arteries such as Jamboree road and its associated noise levels and other ongoing construction project noises. The assumption implicitly is "what's a little more noise for a while".

Note: The Draft EIR determines the significance of the noise impacts based on the thresholds listed in Section 5.10.2, which are derived from the Noise Element of the General Plan. The comment should be revised so as to relate to the adequacy of the proposed thresholds of significance.

~~To drill down a bit on just one of these noise elements, traffic. Jamboree is far and away the busiest in daily traffic volume of any of the streets measured in the DEIR. A typical work day has traffic volumes of between 35,000 and nearly 46,000 vehicles a day, depending on the stretch of the street measured. Noise from this source is already "the dominant noise in the vicinity of the project site" (p.5.10-18, para #2). During the excavation phase of the project, it is the report's estimate that over 400 truck trips a day will be added to that number. The area already has a noise level of 72 to 73 dBA within 100 feet of Jamboree (the desired goal is below 65 dBA), without the additional truck traffic they will add in this~~

~~phase. Sound engineers they hired to analyze~~ Please confirm that during the excavation phase, the incremental noise due to the project indicated that the increase in noise level would only be “less than 0.2 dBA” (DEIR p.5.10-22, IMPACT 5.10-1, Kimley-Horn and Assoc., 2012). I find this to be very hard to believe, but I’m no sound engineer.

~~Still another area of concern is the exposure to noise to the people who will have moved into residences in Phase 1 as a result of the soon to follow Phase 2, which begins with the demolition of the Tower Jazz facility. The estimated noise levels during this construction time for the nearest Phase 1 buildings will be from 83-96 dBA, from 18 to 21 decibels over the desired threshold of 65dBA (chart, p.5.10-45), and this can go on for” up to 4 months” (same page as above, last para).~~

Note: This impact is identified in the Draft EIR; the comment is more of a consideration of the project and not the EIR. Therefore, it is recommended that it not be included.

At minimum, it seems a reasonable requirement that the affected people in Phase 1 residences be assured of some serious evaluation of sound barriers, sound walls or some protection for them and their hearing.

Note: Mitigation Measure No. 10-5 and No. 10-6 require detailed acoustical study to demonstrate that all residential units will meet applicable noise standards. The comment should be revised so as to relate to the adequacy of these mitigation measures.

~~This project seems like too much and for too long.~~

Note: This comment is more of a consideration of the project and not the EIR. Therefore, it is recommended that it not be included.

CHAPTER 5.15 (UTILITIES AND SERVICE SYSTEMS)

~~This is one of the feel good parts of the DEIR, in that~~ The Draft EIR states that the consumption of all the utility sources will dramatically decrease when both Phases, 1 & 2, are completed. Most notably, the water consumption is estimated to drop by a whopping considerable 85% percent, from the Tower-Jazz and Half Dome buildings current rate of 1,400,000 gallons of water ~~EACH DAY~~ each day to a predicted consumption of just over 200,000 gallons each day upon project completion and occupancy. ~~What is going on at those two buildings that uses so much water, one may well ask.~~ Please confirm the current levels of water consumption.

CHAPTER 7 (ALTERNATIVES TO THE PROPOSED PROJECT)

Page 7-5, Optional Phasing Alternative. It does not make sense to assume that residences would be built and remain vacant. Rather it would make sense to assume that construction of the residences would be delayed until 2015 or 2016 and could then be occupied in 2017, after the closure of the TowerJazz operation.

Page 7-10, third paragraph, last sentence should be revised as follows: However, since no significant and unavoidable greenhouse gas impacts occur under the proposed project, no significant impacts would be avoided.

Page 7-14, Table 7-3. Are the utilities/service system uses identified in Table 7-3 under No Project Alternative based on the existing (current) use at the site (e.g., existing water/electricity/natural gas use at the site)?

Page 7-16, Table 7-4. There is a typo in the second to last lines of the table (e.g., 9.033 should be 9,033.

General comment. The alternatives analysis evaluates a Reduced Density Alternative (561 dwelling units) and compared it to the proposed project (1,244 dwelling units). It was concluded that the Reduced Density Alternative would achieve all project objectives, except providing a reasonable return on investment. It was concluded or implied in the Draft EIR that the proposed project would provide a reasonable return on investment. Therefore, there are some alternatives between 561 dwelling units and 1,244 dwelling units that should be evaluated that would provide a reasonable return on investment and achieve all project objectives. What defines a "reasonable return on investment" should be defined.



Environmental Quality Affairs Committee Member Roster

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CITY COUNCIL APPOINTMENTS

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Environmental Quality Affairs Committee Member Roster

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2010-2014

Vacant

District 4
Leslie Daigle
Council Member
9/2004-2006, 2006-2010, 2010-2014

Vacant

District 5
Ed Selich
Council Member
6/2005-2006, 2006-2008, 2008-2012

Vacant

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AT LARGE MEMBERS

COINCIDE WITH CC MEMBER TERMS

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COINCIDE WITH CC MEMBER TERMS

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Mayor Pro Tem

2/2006, 2006-2008, 2008-2012

Vacant

COMMUNITY ASSOCIATIONS

TWO, 4-YEAR TERMS

VACANT

Environmental Quality Affairs Committee Member Roster

VACANT

VACANT

VACANT

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| ENVIRONMENTAL EXPERTISE |
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| TWO, 4-YEAR TERMS |
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Appointed 02/10/09; Expires 02/10/2017

VACANT

VACANT

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| EDC REPRESENTATIVE |
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| VACANT |
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